



P/4976-34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Pierre-Yves COQUERON et al.

Serial No.: 10/582,693

Group Art Unit: 1625

Filed: June 13, 2006

Examiner: Morris, P. L.

For: 2-PYRIDINYLETHYLBENZAMIDE DERIVATIVES

TERMINAL DISCLAIMER

Mail Stop Amendment FEE
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I declare that I, Dr. Frank Gerhards, am the corporate ("in-house") European Patent Counsel employed by Bayer CropScience responsible for this application. As such, I am the individual authorized to submit this terminal disclaimer on behalf of the organization (e.g., corporation) and am empowered to act on behalf of the organization in this matter.

This terminal disclaimer is filed in response to the office action of December 10, 2008, regarding the above-identified patent application. This terminal disclaimer is submitted under Rule 321(c) to obviate a non-statutory double-patenting rejection over co-pending Application Number 10/566,051.

Application Number 10/566,051 is assigned to Bayer Cropscience S.A., a corporation organized under the laws of France, having its principal place of business at 15 Rue Jean-Marie Leclair, F-69009 Lyon, France. Bayer CropScience S.A. holds a 100 percent interest in both the current Application Number 10/582,693 and Application Number 10/566,051. Bayer CropScience S.A. disclaims, except as provided below, the terminal part of the statutory term of

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any patent granted on the current application, which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal disclaimer filed prior to the grant, of any patent or patents granted on Application Number 10/566,051. The owner agrees that any patent so granted on the current application shall be enforceable only for and during such period that it and any patent or patents granted on Application Number 10/566,051 are commonly owned. This agreement runs with any patent granted on this current application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the current application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 145 to 156 and 173, of any patent or patents granted on Application Number 10/566,051, as shortened by any terminal disclaimer filed prior to its patent grant, in the event that such patent(s): (1) expire(s) for failure to pay a maintenance fee, (2) is (are) held unenforceable, (3) is (are) found invalid by a court of competent jurisdiction, (4) is (are) statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (5) has (have) all claims cancelled by a re-examination certificate, (6) is (are) reissued, or (7) is (are) in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its (their) grant.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code,

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Respectfully submitted,

2009-1-22

Date

i.l. Gerhards
Frank Gerhards
European Patent Counsel
Patents and Licensing for
BAYER CROPSCIENCE S.A.